

Recognizing that methamphetamines have become a scourge in our close-knit Montana communities, Zak helped me wage a 2-year campaign—and boy it was tough; we worked very hard to get that done—to help me get five of our counties with the worst meth problems included in what is called the high density drug trafficking area, otherwise known as HIDTA. That is one of our great accomplishments, something of which I am proud, to help fight the scourge of methamphetamines. That has helped law enforcement officials in our State crack down on meth.

Zak also helped me work in this Chamber to pass big ticket legislative items such as tax cuts, Medicare improvements, and new Healthy Forest legislation. These are just a few of Zak's outright achievements. But it is the intangible abilities that I will remember most in Zak. I dare say most in our office will remember those best, too.

In particular is his amazing ability to quickly analyze an issue and break it down into pros and cons, both from the standpoint of policy and of politics. There are a lot of quick minds on Capitol Hill but Zak, to me, stands out as one of the very best, one of the brightest. Undoubtedly, that quickness of mind contributes to his sense of humor: a bit dark, extremely dry, ever present. Zak's sense of humor is rare. It is remarkable. He has used it to build bridges with the Montana delegation, to keep my office train on the tracks during some of the more bumpy times, and to mentor younger staffers as they learn the ways of working in this remarkable place.

We will also remember him for his elaborate practical jokes that often involve the whole office. But beyond that, we will remember Zak for his uncanny ability to get things done and his relentless commitment to Montana. His no-nonsense style, his can-do attitude helped me and others accomplish great things for our State and most especially for our people.

A humble guy from Helena, Zak embodies Montana—a very bright, talented, committed guy, hard working, genuine, and astute, and ever mindful of the fact that he is very lucky to be from and advocate for the greatest State in the Union. He is extremely loyal.

Zak loves his microbrews, Mr. Bruce Springsteen, a gin-clear trout stream, the Oakland Raiders, record stores, and University of Montana football. Most of all, he loves his native State of Montana.

Fittingly, one of his favorite authors is Cormac McCarthy. Many of the McCarthy books are about the American West and therefore not for the faint of heart. But they are also very real, sparsely punctuated, light on frills, heavy on matters of depth and critical thought—in other words, a lot like Zak.

As the pages of his life open to endless opportunity, we will all remember

Zak: His remarkable abilities, his devotion to the State he loves; and his commitment to excellence in all that he does.

We will miss you, Zak. We will miss you in our office, but we are going to find you very quickly. You are still part of our team. And I thank you, Zak, so very much. Montana thanks you and a grateful nation thanks you for your service.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alabama.

(The remarks of Mr. SESSIONS and Mr. WARNER and Mr. ALLEN pertaining to the introduction of S. 77 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 13 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

#### DEMOCRATIC PRIORITIES AND VALUES

Mr. KENNEDY. Mr. President, today Senate Democrats introduced 10 bills that illustrate the priorities and values we intend to fight for in the coming months to meet our commitments to the American people. It is an agenda for a future of security, opportunity, and responsibility. The contrast with the Bush administration and the Republican leadership in Congress could not be greater. They say they are for ownership, but their vision means an America divided. In a society based on ownership, we are divided by winners and losers, rich and poor, a shrinking middle class, owners and those who cannot afford to own.

Republicans see the forces of globalization as a chance for greater profits at the expense of job and wage security for American families. Democrats are for opportunity for all. Our vision is for an America united to provide opportunity for all Americans and to fulfill the American dream.

We embrace the challenges of globalization not by lowering our wages but raising our skills to equip every American to compete for good jobs in the local economy.

I will mention three areas in which Democrats have introduced bills today that reflect our values and priorities.

First, health care. It is an honor to join our Democratic leader and so many of our colleagues in introducing the Affordable Health Care Act in meeting our responsibility to the Medicare Beneficiaries Act. This Affordable Health Care Act states our strong commitment as Democrats to end the crisis in health care that affects every family. It is a downpayment on our commitment to quality, affordable health care for every American and we will not rest until that goal is achieved.

The worsening crisis in health care is caused by skyrocketing costs, declining insurance coverage, and less security for every family. Businesses, especially small businesses, find it increasingly difficult to provide decent coverage for their employees. Rising health care costs threaten the competitiveness of all American businesses. Even people who have health insurance today cannot count on it being there for them tomorrow. No American family is more than one pink slip or one employer decision away from being uninsured.

In the face of this massive crisis in health care, the administration and Congress have been missing in action for too long. The legislation we are offering today will not solve all of these problems, but it is a good start and we are committed to finishing the job. It will guarantee coverage for every child. It will lower prescription drug costs by allowing importation of safe drugs from abroad. It will improve the quality of health systems while reducing costs at the same time by adopting a modern information technology in health care.

Affordable health care is a high priority for every family and it should be an equally high priority for this Congress. We face a crisis and it is time to act. Senate Democrats are committed to guaranteeing the basic right to health care for all Americans and when we say "all," we mean all.

The legislation we are introducing today cuts the special interest deals out of the Medicare Program, addresses the troubling gaps in the Medicare drug benefit. Medicare is a solid commitment to our senior citizens, not a piggy bank for special interests, and it is time to fulfill that commitment.

Second is education. Our Nation's future depends on ensuring equal educational opportunities for all children. We must keep the promise to leave no child behind. For Democrats, this is not just a slogan. For us, it is a moral commitment. This year alone, the Bush administration underfunded No Child Left Behind by \$9.8 billion, leaving 4 million children behind. In contrast, we propose fully funding No Child Left Behind and also keeping our promises to disabled children by fully funding the Individuals With Disability Education Act.

We also recognize that what we do for children's early education and development does more to ensure their success later in school and later in life

than any other investment. Democrats are committed to making this investment by expanding Head Start, early Head Start, and childcare funding. At the same time, we propose improving the quality of these programs by requiring improved standards for teachers and seeing that they are supported, trained, and adequately compensated to do the job.

We also must do more to ensure that America is globally competitive by raising our skills. To be globally competitive, we must also inspire a renaissance in math and science education in America so that all Americans are prepared for the jobs of tomorrow. Today, Democrats are taking an essential first step in winning the global and math/science arms race by making college tuition free for any young person willing to work as a math, science, or special education teacher. We must make the United States first in the world rather than 29th in math and science.

Finally, when it comes to jobs, the Fair Wage, Competition and Investment Act will help restore the faith of Americans that if they work hard and play by the rules they can live the American dream.

The bill raises the minimum wage to \$7.25 an hour to improve the quality of life for 7.5 million workers. Despite Democratic efforts to raise it, the minimum wage has been stuck at \$5.15 an hour for 7 long years.

And the bill will restore overtime protections for the more than 6 million Americans denied overtime pay and the guarantee of the 40-hour workweek by the Republican overtime rule. It will also expand overtime protections to cover additional workers.

The Democratic bill eliminates tax breaks for companies that ship good American jobs overseas. It requires companies that send jobs to other countries to provide advance warning to workers and communities.

The bill makes significant investments in American roads and waterways, broadband technology, and research and development to increase our competitiveness, improve the quality of our lives, and create new jobs to help make up for those lost under Republican leadership.

These are the kinds of initiatives that Democrats will fight for this year—initiatives that will expand opportunity, provide a secure future for our families, and improve the quality of life for all Americans.

#### THE PRESIDENT'S NOMINEES

Mr. KENNEDY. Mr. President, Jay Bybee, William Haynes, Condoleezza Rice, Alberto R. Gonzales—these four persons have three things in common. They were all high officials in President Bush's first administration. They were all key participants in the shameful decision by the administration to authorize the torture of detainees at Guantanamo and in Iraq and they have all been nominated by President Bush for higher office.

Jay Bybee, head of the Justice Department's Office of Legal Counsel, was nominated for a lifetime appellate court judgeship in the spring of 2002, before he wrote the now notorious legal memorandum redefining torture so narrowly that virtually the only victims who could complain would be dead victims. Mr. Bybee even went so far as to state that the President could simply decree that any action taken as the Commander in Chief was immune from challenge. Most people who later read that memo immediately rejected its conclusions. But not the White House.

Instead, when the Bybee nomination was not acted on by the Senate in the 107th Congress, President Bush renominated him for the same judgeship in the 108th Congress. Although we asked for Bybee's OLC writings we received nothing, thus the Senate knew nothing about the Bybee memorandum on torture, and his nomination was confirmed.

William Haynes was, and still is, General Counsel to the Secretary of Defense. As such, he had a personal role in deciding how far Defense Officials could go in interrogating detainees. But he had a problem. High-level military officers and top State Department lawyers were experienced in these issues and the treaties that governed them, and they were adamantly opposed to the extreme change in policy that he and the Secretary and the White House were seeking.

So he formed a "working group" of lawyers that excluded these dissenters. That working group's report adopted verbatim some of the most outrageous parts of the Bybee memorandum. In one memo, for example, Mr. Haynes told Secretary Rumsfeld that waterboarding, forced nudity, the use of dogs to create stress, threats to kill the detainee's family, and other extreme tactics not only do not violate the Uniform Code of Military Justice, but are "humane."

After he did that, the White House also nominated him to a lifetime judgeship on a Federal court of appeals. Fortunately, by the time the Judiciary Committee was ready to vote on his nomination in late 2003, we had become aware of some of his other controversial legal views, and the Senate did not confirm him. President Bush has chosen to renominate him, however, so the Senate will have another chance to review his role in support of torture.

Condoleezza Rice has been nominated to be Secretary of State, and we will consider her nomination later this week. As national security adviser she was clearly involved in the prisoner abuse issues, but because of the nature of her position, we know less about her role. Two of the members of the Foreign Relations Committee have voted against her nomination, and we will hear their full report in the coming debate.

White House Counsel Alberto Gonzales, as the President's chief in-

house lawyer, was at the heart of the debate, inside the administration, on prisoner detention and interrogation. Although he says he can't remember it very well, he apparently was the person the CIA contacted when they wanted to use extreme interrogation methods on those whom our troops and intelligence agents detained in Afghanistan and Iraq and elsewhere. He was the one who went to Mr. Bybee at the Department of Justice to obtain the notorious Bybee memorandum justifying the use of torture. He keeps saying he doesn't recall, but his office obviously helped Mr. Bybee develop the memorandum.

When Mr. Gonzales received the memorandum, he disseminated it far and wide in the military and elsewhere, although he can't remember how. For almost 2 years, Mr. Gonzales allowed this policy guideline to stand throughout the Government as the administration's formal policy on prisoner abuse. For almost 2 years it remained in effect, producing a system of detention and interrogation that the International Committee of the Red Cross, the FBI, the Defense Intelligence Agency itself found abhorrent to the rule of law. When the Bybee memorandum finally became public last summer, Mr. Gonzales attempted to distance himself and the President from it, but he didn't quite withdraw it.

Suddenly last month, the night before New Year's Eve, so late that most newspapers could not get the story in the next day's paper, Mr. Gonzales and his Justice Department and White House colleagues decided that the memo was so clearly erroneous and its standards so extreme, that it should be withdrawn altogether and replaced by a gentler version.

Members of the Senate have asked repeatedly for the relevant documents on all this. But we have not received a single one of the documents we need.

Four Senate committees have now considered some part of this issue. The Foreign Relations Committee had a brief opportunity to question Ms. Rice last week, but apparently not enough information on her involvement was available to assess her responsibility. The Intelligence Committee is still waiting to hear from the CIA on its role in the prisoner abuses, but as far as I know nothing has been forthcoming. Despite the initiatives and hard work of the chairman, the ranking member and many other members of the Armed Services Committee, Secretary Rumsfeld and his deputies have managed to stonewall and slow-walk us right through the election, and have used a series of separate investigations to propagate the original message that it was just a few bad apples on the night shift who committed the abuses.

We now are told that there was confusion and lack of clarity in the rules on interrogation without any indication of who was ultimately responsible, and without any accountability by those we know were involved, such as Mr. Haynes and Mr. Gonzales.